



File Code: 1570 (218)
#15-01-00-0021

Date: JUN 25 2015

Mr. Kirk Thompson
852 Willoughby Lane
Stevensville, MT 59870

Dear Mr. Thompson:

This letter is in response to your objection to the Darby Lumber Lands Phase 1 Project on the Bitterroot National Forest (Forest). The Responsible Official, Bitterroot Forest Supervisor Julie King, and I as the Objection Reviewing Officer have read your objections and suggested remedies, and reviewed the Environmental Assessment (EA) and draft Decision Notice/Finding of No Significant Impact (DN/FONSI), the project file, and the comments submitted to this project. This letter details my responses to the objections based on my review and understanding of the disclosed environmental effects of this project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

The responsible official and I have reviewed the project in light of the issues presented in your objections. I have considered the issues and suggested remedies and included my reasons for response to these issues, which are detailed below.

The regulations allow for the parties to meet in order to resolve issues (36 CFR 218.11(a)). A resolution meeting/conference call was held June 22, 2015, with participation of all objectors, the Forest Supervisor Julie King with members of her staff, and me. I appreciated the opportunity to gain a better understanding of your concerns. As in your objection, you were primarily concerned with "Connector B." However, you had not previously suggested a connection between "roads in the SE corner of Section 9", and therefore that connector was not analyzed in the EA. My response to Issue 1 below discusses Connector B in detail. No resolution was reached on your objection.

This letter satisfies the requirements of 36 CFR 218.11, *Resolution of Objections*. No further review from any other Forest Service or U.S. Department of Agriculture official or my written response to these objections is available.

Response to Objections

I have reviewed your issues and concerns and offer the following responses to the issues you raised in your letter.

Issue 1: You assert Connector B should not be built and Forest Road (FR) 73921 should be designated as closed to motorized and stored because it will adversely affect watershed and wildlife, and the Forest should have considered "better alternatives".



Response: Details or concepts of those “better alternatives” are not included in your objection letter or prior comments.

Your objection isolates the proposed changes and associated resource effects of opening FR73921 to motorized use from the beneficial effects of the overall project documented in the EA. The project’s primary purpose is to reduce road-related sediment in the project area watersheds (EA pp. 2-3, 5-6). Estimated reduction in road-related sediment in the watershed containing Connector B and FR73921 would be approximately 70 percent under Alternative B, substantially reducing adverse road-related effects and risk to aquatic resources (EA Table 3.2-4, p. 48). In response to scoping period comments, the design and implementation of best management practices (BMPs) would be completed prior to public access, as described in the mitigation measures to address aquatic effects issues in the revised EA (Table 2.6-1, pp. 17 and 19) and draft DN/FONSI (pp. 9 and 11). This would further minimize erosion and sedimentation effects of FR73921 and other routes proposed to be opened to motorized access. FR73921 is proposed as closed to motorized use during big-game rifle season, to reduce user conflict and wildlife disturbance during the busiest time of year.

I find that the EA’s effects assessment correctly considers the opening of FR73921 in the context of the overall effects of the project. Reducing road density in the watershed would act to reduce resource risks of the remaining roads. The access constraints that would apply in the preferred alternative (BMP implementation prior to opening, seasonal access restrictions) further reduce resource risks. In the context of the project’s full suite of activities and mitigations, the effects of opening FR73921 are minimized, and the environmental risks reasonable.

Instructions: *None required.*

Issue 2: You allege a violation of the National Environmental Policy Act (NEPA) because the EA does not disclose impacts of potential “large numbers of all-terrain vehicles (ATVs) at one time.” You ask for the analysis to fully disclose impacts and demonstrate ability to manage large numbers of ATVs.

Response: The Forest responded to similar comments from you and others (FONSI Appendix B, letter 37, comment 3; also Letter 23, Comment 11). A substantial loop route (“Fishtail Route” – FR5610, Connectors I and L, and FR62491) was dropped from the proposal. One of the effects of dropping this proposed loop is to reduce the overall number of off-highway vehicle (OHV) loops and motorized recreation opportunities, and lower the likelihood of “large numbers of ATV’s at one time.”

The key EA resource assessments for Elk Habitat Effectiveness, water quality, and effects to roadless character rely on models that analyze “open” roads and trails under a full range of use levels. Current and potential future road conditions and use levels within the project area were also considered. All other resource effects assessments assume either “open” or “closed” conditions and results are unaffected by use levels. Motorized use levels for “open” status is assumed to be within the range currently experienced on the Forest, and impacts associated with opening FR73921 are discussed in the revised EA (p. 36). Therefore, the Forest has assessed a range of use and associated effects for the open routes (roads and trails) within the project area, and has no information or data that would indicate there will be a substantial increase in ATV

use in the project area once 120 miles of roads are decommissioned or stored and slightly over 5 miles of road and trail built.

The Forest has included measures to track use and effects, and to apply adaptive management (including trail or road closures) to provide a means to guard against unforeseen effects. Monitoring and adaptive management is described in the revised EA (pp. 19-20).

I find that the proposal and assessment considers the impacts of OHVs in an appropriate level of detail and allows for adaptive management in the event the impacts are greater than the assessment suggests. I find that the project is in accordance with NEPA.

Instructions: None required.

Issue 3: You allege the project's proposed ATV loop routes violate NEPA because the EA does not show a need for such routes. You suggest the project decision be delayed until the Forest-wide Travel Plan is approved.

Response: Council on Environmental Quality (CEQ) guidelines for NEPA require the purpose and need for a proposed action be described. Neither NEPA nor CEQ guidelines describe the level of assessment is required to "determine" if a need exists. The Forest Plan Standards and Guidelines for the Management Areas involved (MA1, MA2) direct the Forest to "manage for recreation activities associated with roads and motorized equipment. The recreation opportunity spectrum is roaded natural." The project's purpose and need is in compliance with NEPA.

It appears you allege there is a legal requirement for completing the Forest-wide Travel Plan before this site-specific project may go forward due to a shared objective of determining appropriate motorized access on National Forest System lands and possible interaction between the two proposals.

Cumulative effects of the proposed Forest-wide Travel Plan were considered in this project. CEQ regulations developed to support NEPA require consideration of cumulative effects of past, present and foreseeable projects that are affecting, or have the potential to affect natural resources of the project area. The information presented should be commensurate with the impacts of the project, i.e., a greater degree of detail is needed for more potentially serious impacts.

With the exception of proposing a change to several single-track trails from open year-long to open seasonally, the Forest-wide Travel Plan defers changes in motorized access within the Darby Lumber Lands area to the Darby Lumber Land project's Decision Notice. This is due to the higher level of analysis conducted and the specific focus of the Darby Lumber Lands project to minimize erosion sources. The Forest-wide Travel Plan will not determine "need" for recreational motorized routes within the Darby Lumber Lands project area, or anywhere else.

The Darby Lumber Lands project would result in an overall reduction in motorized access and its associated environmental effects to fish and game, regardless of proposed changes in motorized designation on several roads from closed to open.

NEPA requires consideration of cumulative environmental effects of other past, present or foreseeable future projects, but does not require the Forest-wide assessment of "need" you refer

to. The revised EA is clear regarding how the Responsible Official determined the Purpose and Need for this project. The Darby Lumber Lands project's potential for adding to cumulative environmental effects of the road and trail system is included in the Revised EA. It is my conclusion that the timing of the two projects does not violate NEPA, and cumulative effects of this project and Forest-wide Travel Planning have been sufficiently considered.

Instructions: None required.

Summary

In conclusion, I have reviewed your assertions that the project violates various environmental laws, regulations, policies, and the Forest Plan. My review finds the project is in compliance with applicable laws and the Forest Plan. I have in instances provided instructions for the Forest to provide additional or clarifying information to better demonstrate compliance with law, regulation, or policy.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,



DAVID E. SCHMID
Acting Regional Forester

cc: Julie King
Ray G. Smith
Kim Smolt
Amy Fox